

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Richard D. Barber and Sherri L. Barber

Case No.: 16-11865-JNP
Judge: JNP
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- ☐ Original ☒ Modified/Notice Required ☒ Discharge Sought
☒ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: 01/05/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 200.00 per month to the Chapter 13 Trustee, starting on 02/01/2017 for approximately 50 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Brad J. Spiller, Esquire	Attorney's fees	\$2,805.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Pennymac Loan Services	309 New Leaf Ct	\$74,518.00	\$250,000.00	\$266,417.00	\$0.00		\$0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

Aurora Loan Services I

The following secured claims are unaffected by the Plan:

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☐ Not less than _____ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Pennymac Loan Services	309 New Leaf Ct	\$74,518.00

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Brad J. Spiller, Esquire
- 3) Unsecured
- 4) _____

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: _____.

<p>Explain below why the plan is being modified:</p> <p>Loan modification has been approved.</p>	<p>Explain below how the plan is being modified:</p> <p>Removing mortgage arrears since loan modification has been approved. Paying dividend to unsecured creditors.</p>
---------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 01/05/2017

/s/ Brad J. Spiller
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 01/05/2017

/s/ Richard D. Barber
Debtor

Date: 01/05/2017

/s/ Sherri L. Barber
Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Richard D. Barber
 Sherri L. Barber
 Debtors

Case No. 16-11865-JNP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 39

Date Rcvd: Jan 05, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 07, 2017.

db/jdb
 cr Richard D. Barber, Sherri L. Barber, 309 New Leaf Ct, Galloway, NJ 08205-9654
 +FNBN I, LLC, by PennyMac Loan Services, LLC, its s, Stern & Eisenberg, PC, 1581 Main Street, Suite200, Warrington, PA 18976-3400
 cr +Nationstar Mortgage LLC, RAS Citron, LLC, 130 Clinton Road, Suite 202, Fairfield, NJ 07004-2927
 515977133 Arrow Financial Servic, 5996 W Touhy Ave, Niles, IL 60714-4610
 515977136 Barclays Bank Delaware, ATTENTION: CUSTOMER SUPPORT DEPARTMEN, PO Box 8833, Wilmington, DE 19899-8833
 515977163 +CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: Thd/cbsd, CITICORP CREDIT SERVICES/ATTN: CENTRAL, PO Box 20507, Kansas City, MO 64195-0507)
 515977137 Cap One, CAPITAL ONE BANK (USA) N.A., PO Box 30285, Salt Lake City, UT 84130-0285
 515977138 +Capital One, Attn: Bankruptcy, PO Box 30285, Salt Lake City, UT 84130-0285
 515977139 Chase, PO Box 100018, Kennesaw, GA 30156-9204
 515977143 +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
 515977146 Hsbc Bank, ATTN: BANKRUPTCY, PO Box 5213, Carol Stream, IL 60197-5213
 515977148 Hsbc/bstby, ATTN: BANKRUPTCY, PO Box 5263, Carol Stream, IL 60197-5263
 515977151 National Credit Soluti, PO Box 15779, Oklahoma City, OK 73155-5779
 515977152 National Recovery Agen, 2491 Paxton St, Harrisburg, PA 17111-1036
 516196659 +Nationstar Mortgage, LLC, PO Box 619094, Dallas, TX 75261-9094
 515977153 +Nco Fin /02, 507 Prudential Rd, Horsham, PA 19044-2368
 516115025 +PENNYMAC LOAN SERVICES, LLC, 6101 CONDOR DRIVE SUITE #320, MOORPARK, CA 93021-2602
 515998774 +PennyMac Loan Services, LLC, C/O Aldridge Pite, LLP, Fifteen Piedmont Center, 3575 Piedmont Road, N.E., Suite 500, Atlanta, GA 30305-1636
 515977155 Pennymac Loan Services, Attn: Bankruptcy, Po Box 514357, Los Angeles, CA 90051
 515977154 Pennymac Loan Services, 27001 Agoura Rd, Calabasas, CA 91301-5339
 515977158 +Rwds660-dsb, 211 N Main, Blunt, SD 57522-2022
 515977159 +Ryan Barber, 910 Symphony Beach Lane, Apollo Beach, FL 33572-2738
 515977160 Salute, PO Box 105555, Atlanta, GA 30348-5555
 515977162 Seventh Avenue, 1112 7th Ave, Monroe, WI 53566-1364
 515977165 #Zucker, Goldberg & Ackerman, LLC, PO Box 1024, Mountainside, NJ 07092-0024

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

E-mail/Text: usanj.njbankr@usdoj.gov Jan 05 2017 23:49:23 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jan 05 2017 23:49:21 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 516237572 +E-mail/Text: bncmail@w-legal.com Jan 05 2017 23:49:31 Candica, LLC, C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 515977140 +E-mail/Text: saratippton@ccsitetexas.com Jan 05 2017 23:50:09 Complete Credit Soluti, 2921 Brown Trl, Bedford, TX 76021-4174
 515977141 E-mail/Text: kmoore@beacon-services.com Jan 05 2017 23:48:54 Estate Recoveries Inc, 2400 York Rd, Timonium, MD 21093-2239
 515977145 E-mail/PDF: gecsedirecoverycorp.com Jan 05 2017 23:46:19 Gemb/jcp, ATTENTION: BANKRUPTCY, PO Box 103104, Roswell, GA 30076-9104
 515977149 E-mail/Text: JCAP_BNC_Notices@jcap.com Jan 05 2017 23:49:36 Jefferson Capital Syst, 16 McLeland Rd, Saint Cloud, MN 56303-2198
 516065092 +E-mail/Text: bknotices@totalcardinc.com Jan 05 2017 23:49:24 Mid America Bank and Trust, PO Box 89725, Sioux Falls, SD 57109-9725
 515977150 E-mail/Text: bankruptcydpt@mcmcg.com Jan 05 2017 23:49:20 Midland Credit Mgmt, PO Box 939019, San Diego, CA 92193-9019
 516261459 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 05 2017 23:52:04 Portfolio Recovery Associates, LLC, c/o Hsbc Bank Nevada, N.a, POB 41067, Norfolk VA 23541
 516265379 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 06 2017 00:04:46 Portfolio Recovery Associates, LLC, c/o Jc Penney Credit Card, POB 41067, Norfolk VA 23541
 516264675 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 05 2017 23:51:57 Portfolio Recovery Associates, LLC, c/o The Home Depot, POB 41067, Norfolk VA 23541
 515977156 E-mail/Text: bknotices@totalcardinc.com Jan 05 2017 23:49:24 Plains Comm, PO Box 89937, Sioux Falls, SD 57109-6937
 515977157 E-mail/Text: bknotices@totalcardinc.com Jan 05 2017 23:49:24 Plains Commerce Bank, PO Box 89937, Sioux Falls, SD 57109-6937

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 39

Date Rcvd: Jan 05, 2017

515977134* Arrow Financial Servic, 5996 W Touhy Ave, Niles, IL 60714-4610
515977164* ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
(address filed with court: Zales/cbsd, ATTN: CENTRALIZED BANKRUPTCY, PO Box 20363,
Kansas City, MO 64195-0363)
515977144* +First Premier Bank, 601 S Minnesota Ave, Sioux Falls, SD 57104-4868
515977147* Hsbc Bank, ATTN: BANKRUPTCY, PO Box 5213, Carol Stream, IL 60197-5213
515977161* Salute, PO Box 105555, Atlanta, GA 30348-5555
515977135 ##Aurora Loan Services I, ATTN: BANKRUPTCY DEPT., PO Box 1706, Scottsbluff, NE 69363-1706
515977142 ##First Bk Of De/simply, 1000 Rocky Run Pkwy, Wilmington, DE 19803-1455
TOTALS: 0, * 5, ## 2

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 07, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on January 5, 2017 at the address(es) listed below:

Brad J. Spiller on behalf of Debtor Richard D. Barber bankruptcy@brennerlawoffice.com
Brad J. Spiller on behalf of Joint Debtor Sherri L. Barber bankruptcy@brennerlawoffice.com
Denise E. Carlson on behalf of Creditor LEHMAN XS TRUST MORTGAGE PASS-THROUGH CERTIFICATES,
SERIES 2007-2N, U.S. Bank National Association, as Trustee dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecmail@standingtrustee.com,
summarymail@standingtrustee.com
Isabel C. Balboa ecmail@standingtrustee.com, summarymail@standingtrustee.com
Patrick O. Lacsina on behalf of Creditor Nationstar Mortgage LLC gshasa@rasnj.com,
bmusarra@rasnj.com, bkyecf@rasflaw.com, legerman@rasnj.com
Steven P. Kelly on behalf of Creditor FNBN I, LLC, by PennyMac Loan Services, LLC, its
servicing agent skelly@sterneisenberg.com, bkecf@sterneisenberg.com

TOTAL: 7